UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

VIGEN MUSHEGIAN, Petitioner, vs. MICHAEL CHERTOFF, MICHAEL MUKASEY, ROBIN F. BAKER, and JOHN A. GARZON Respondents.	CASE NO. 08cv682 – IEG (JMA) **ORDER:** **(1) GRANTING MOTION FOR APPOINTMENT OF COUNSEL (Doc. No. 2); and** **(2) ORDERING RESPONDENTS TO SHOW CAUSE WHY PETITIONER'S REQUEST FOR HABEAS CORPUS RELIEF PURSUANT TO 28 U.S.C. § 2241 SHOULD NOT BE GRANTED (Doc. No. 1).**

Presently before the Court are a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 and motion for appointment of counsel filed by Vigen Mushegian ("petitioner"). (Doc. Nos. 1-2.) According to petitioner, he is a native of the Ukraine born in the former Soviet Union. (Petition at 2.) He entered the respondents' custody on October 4, 2007 has remained in custody since that time. (Id.) An immigration judge ordered petitioner removed from the United States to the Ukraine on July 25, 2000, and he did not appeal that decision. (Id.) Immigration and Customs Enforcement (ICE) previously detained him and released him on an order of supervision in October of 2000. (Id.) The Ukraine has refused to accept petitioner's return, and thus petitioner argues his removal is not foreseeable and his continuing detention impermissible. (Id. at 3.)

Petitioner moves for appointment of counsel pursuant to 18 U.S.C. § 3006A. The Federal Defenders of San Diego, Inc., is ready and able to assist petitioner in this matter. (Janet Tung Declaration at 1-3.) Section 3006A(a)(2)(b) provides that when the Court determines that "the interests of justice so require," the Court may appoint counsel for financially eligible individuals who are seeking relief under 28 U.S.C. § 2241. Having carefully considered the arguments raised in petitioner's motion, the Court finds the appointment of counsel is appropriate in this case. The Court therefore **GRANTS** petitioner's motion for appointment of counsel and **APPOINTS** Federal Defenders of San Diego, Inc. to represent him.

Upon receipt of the petition, and finding that the matter is not appropriate for summary disposition, the Court furthermore **ORDERS** respondents to show cause why the petition should not be granted. Respondents shall have until July 3, 2008 to file and personally serve an answer to the petition. Petitioner may file a traverse by no later than July 25, 2008. Unless the Court orders otherwise, the matter will be taken under submission and decided without oral argument. Local Rule 7.1(d)(1).

IT IS SO ORDERED.

DATED: June 9, 2008

Irma E. Gonzalez

IRMA E. GONZALEZ, Chief Judge
United States District Court